

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
CONAIR CORPORATION

DEFENDANTS
CLARK ASSOCIATES, INC. and THE WEBSTAURANT STORE

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Meichelle MacGregor and Richard Mandel
Cowan Liebowitz & Latman PC
114 West 47th Street, New York, New York 10036

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Lanham Act, 15 U.S.C. § 1051

Judge Previously Assigned
Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY [] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	FORFEITURE/PENALTY [] 625 DRUG RELATED SEIZURE OF PROPERTY [] 365 PERSONAL INJURY [] 366 PRODUCT LIABILITY [] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	BANKRUPTCY [] 422 APPEAL [] 28 USC 158 [] 423 WITHDRAWAL [] 690 OTHER	OTHER STATUTES [] 375 FALSE CLAIMS [] 376 QUI TAM [] 400 STATE REAPPORTIONMENT [] 410 ANTITRUST [] 430 BANKS & BANKING [] 450 COMMERCE [] 460 DEPORTATION [] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) [] 480 CONSUMER CREDIT [] 490 CABLE/SATELLITE TV
[] 110 INSURANCE	[] 310 AIRPLANE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 820 COPYRIGHTS [] 830 PATENT		
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 320 ASSAULT, LIBEL & SLANDER	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION [] 840 TRADEMARK		
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 330 FEDERAL EMPLOYERS' LIABILITY			
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 340 MARINE LIABILITY	PROPERTY RIGHTS [] 820 COPYRIGHTS [] 830 PATENT		
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD [] 371 TRUTH IN LENDING		
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 350 MOTOR VEHICLE DEFECTUALTED			
[] 152 RECOVERY OF STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE DEFECTUALTED	[] 355 MOTOR VEHICLE PRODUCT LIABILITY			
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 360 OTHER PERSONAL INJURY	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 380 OTHER PERSONAL PROPERTY DAMAGE [] 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR [] 710 FAIR LABOR STANDARDS ACT [] 720 LABOR/MGMT RELATIONS	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE [] 861 HIA (1395ff) [] 862 BLACK LUNG (923) [] 863 DIVC/DIVW (405(g)) [] 864 SSID TITLE XVI [] 865 RSI (405(g))
[] 160 STOCKHOLDERS SUITS					
[] 190 OTHER CONTRACT					
[] 195 CONTRACT PRODUCT LIABILITY					
[] 196 FRANCHISE					
REAL PROPERTY	ACTIONS UNDER STATUTES	CIVIL RIGHTS [] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 530 HABEAS CORPUS [] 535 DEATH PENALTY [] 540 MANDAMUS & OTHER	PRISONER PETITIONS [] 463 ALIEN DETAINEE [] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255 [] 740 RAILWAY LABOR ACT [] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	FEDERAL TAX SUITS [] 790 OTHER LABOR [] 791 EMPL RET INC SECURITY ACT (ERISA) [] 870 TAXES (U.S. Plaintiff or Defendant) [] 871 IRS-THIRD PARTY 26 USC 7609
[] 210 LAND CONDEMNATION				IMMIGRATION [] 462 NATURALIZATION APPLICATION	
[] 220 FORECLOSURE					
[] 230 RENT LEASE & EJECTMENT					
[] 240 TORTS TO LAND					
[] 245 TORT PRODUCT LIABILITY					
[] 290 ALL OTHER REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<input type="checkbox"/> a. all parties represented						<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	[] 1	[] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 3	[] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5	[] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

CONAIR
150 Milford Rd.
East Windsor, NJ 08520

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

The Webstaurant Store and Clark Associates, Inc.
2205 Old Philadelphia Pike
Lancaster, PA 17602

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 2/11/2019

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[] YES (DATE ADMITTED Mo. 12 Yr. 1996)
Attorney Bar Code # MM 1109

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)